



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,577	08/25/2003	Namit Jain	50277-2236	4090

29989 7590 04/17/2006

HICKMAN PALERMO TRUONG & BECKER, LLP  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110

EXAMINER

RADTKE, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

2165

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,577

Applicant(s)

JAIN ET AL.

Examiner

Mark A. Radtke

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/5/05, 5/19/05, 5/16/05, 2/10/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the usage of the word "type" is unclear; it is not well-known in the art how data types have unique memory addresses associated with them. Examiner will assume that recitations of a "type" of data in the claim are directed towards using equivalent data type representations in the native language and within the database ("types of attributes" in Applicant's specification). For example, a java.lang.string object will be saved as a string SQL construct.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In the Application, page 20, paragraphs [0072]-

Art Unit: 2165

[0073] disclose that a computer-readable medium comprises "transmission media".

Program code contained on transmission media is intangible.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-16 of the instant application are provisionally rejected under the judicially created doctrine of double patenting over claims 1-26 of copending Application No. 10/648,600 (Jain et al., U.S. Publication No. US 2005/0050092 A1).

Claims 1-16 of the instant application are considered obvious over claims 1-26 of Patent Application No. 10/648,600 (U.S. Publication No. US 2005/0050092 A1).

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2165

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Skinner et al. (U.S. Patent 6,085,198).

As to claim 1, Skinner et al. teaches a method of storing data into a database (see Abstract), the method comprising:

a loader application receiving data (see figure 3, Comm Mgmt 305B and figure 4, step 400 and column 16, lines 48-49);

determining one or more routines that are associated with a type of said data, wherein said one or more routines are implemented by a program that is external to both said loader application and a database server that manages said database (see column 16, lines 49-55, where "routines" is read on "methods");

invoking said one or more routines (see column 18, lines 6-10);

in response to said one or more routines being invoked, said program performing steps comprising:

creating a data structure that has one or more elements that correspond to one or more attributes of said type (see column 16, lines 60-62 and figure 4, step 404); and

populating said one or more elements with one or more values that are specified in said data, wherein said one or more values correspond to said one or more attributes (see column 30, lines 60-67);

generating, based on said data structure, a data stream that conforms to a format of data blocks of said database (see column 31, lines 1-2); and

writing said data into one or more data blocks in said database (see column 31, lines 23-33).

As to claim 2, Skinner et al. teaches wherein a number of attributes of said type is not defined to said loader application (See column 17, line 65 – column 18, line 5. Attributes can be determined by calling functions instead of loading documents).

As to claim 3, Skinner et al. teaches wherein a type of an attribute of said type of said data is not defined to said loader application (See column 17, line 65 – column 18, line 5. Attributes can be determined by calling functions instead of loading documents).

As to claim 4, Skinner et al. teaches wherein said creating, said populating, said generating, and said writing are performed without causing a Structured Query Language (SQL) engine to load said data (see column 18, lines 8-12 where “without causing a SQL engine to load said data” is read on “extracted and loaded directly”).

As to claim 5, Skinner et al. teaches wherein said data structure is created in memory that is associated with said loader application (See column 7, lines 56-63. When Java loads and executes the program, any classes loaded by the application will be in the application’s memory space).

As to claim 6, Skinner et al. teaches wherein said determining comprises locating addresses of one or more routines that are in a same entry of a table as an identity of said type (see column 16, line 40, "associated data types").

As to claim 7, Skinner et al. teaches further comprising:  
adding, to a table, an entry that indicates an association between said type and said one or more routines (see column 19, lines 66-67 and column 20 lines 15-19).

As to claim 8, Skinner et al. teaches wherein said invoking comprises invoking one or more routines that are located at one or more addresses that are associated with said type (see column 18, lines 6-10).

As to claims 9-16, Skinner et al. teaches a computer-readable medium carrying one or more sequences of instructions which, when executed by one or more processors, causes the one or more processors to perform the methods recited in claims 1-8 (see column 5, lines 50-57).

#### ***Additional References***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to object serialization to a database in general:

Patent/Pub. No.	Issued to	Cited for teaching
US 20060036935 A1	Warner; James W. et al.	Serialization of opaque types
US 20020147763 A1	Lee, William W. et al.	JavaBean serialization (JavaBeans are opaque types)
US 20040015936 A1	Susarla, Hanumantha Rao et al.	EJB loading
US 6470494 B1	Chan; Victor S. et al.	EJB loading
US 20040117359 A1	Snodgrass, Richard Thomas et al.	Direct Path Loading

Examiner has also cited the JavaDoc for `javax.sql.rowset.serial.SerialJavaObject`, a well-known method for serializing Java objects into an SQL database.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications should be directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571)

Art Unit: 2165

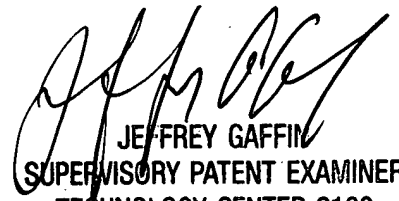
272-7163, and the examiner can normally be reached between 9 AM and 5 PM,  
Monday through Friday.

If attempts to contact the examiner are unsuccessful, the examiner's supervisor,  
Jeffrey Gaffin, can be reached at (571) 272-4146.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to Customer Service at (800) 786-9199.

maxr  
\*\*\*

11 April 2006

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100